

STATE OF CALIFORNIA
CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY
STATE WATER RESOURCES CONTROL BOARD

DIVISION OF WATER RIGHTS

PERMIT FOR DIVERSION AND USE OF WATER

PERMIT 19662B

Application 28378B of Kurt Gilson and Deborah Gilson

3155 Bear Gulch Road, Woodside, CA 94062

filed on January 24, 1985, has been approved by the State Water Resources Control Board
SUBJECT TO PRIOR RIGHTS and to the limitations and conditions of this permit.

Permittee is hereby authorized to divert and use water as follows:

1. Source: <u>Unnamed Stream (1,2)</u> <u>Unnamed Spring No. 148B</u> 	Tributary to: <u>Unnamed Stream</u> <u>(AKA North Branch Bogess Creek) thence</u> <u>Bogess Creek thence</u> <u>San Gregorio Creek</u> <u>Unnamed Stream thence</u> <u>Unnamed Stream</u> <u>(AKA South Branch Bogess Creek)</u> <u>Bogess Creek thence</u> <u>San Gregorio Creek</u>
---	--

2. Location of point of diversion:	40-acre subdivision of public land survey or projection thereof	Projected Section	Township	Range	Base and Meridian
Point of Diversion No. 145: North 32° East, 1,250 feet from SW corner of projected Section 33, Zone 3, N 319,200 and E 1,474,000	SW¼ of SW¼	33	6S	4W	MD
Point of Diversion No. 146: North 56° East 1,300 feet from SW corner of projected Section 33	SW¼ of SW¼	33	6S	4W	MD
Point of Diversion to offstream storage No. 148B: North 50° West, 2,700 feet from SE corner of projected Section 33, Zone 3, N 319,650 and E 1,476,150	NW¼ of SE¼	33	6S	4W	MD

County of San Mateo
SWRCB 14 (6-94)

3. Purpose of use:	4. Place of use:	Projected Section	Township	Range	Base and Meridian	Acres
Fire Protection						
Recreation						
Stockwatering	Reservoir No. 145 and 146 within SW $\frac{1}{4}$ of SW $\frac{1}{4}$	33	6S	4W	MD	

The place of use is shown on map on file with the State Water Resources Control Board.

5. The water appropriated shall be limited to the quantity which can be beneficially used and shall not exceed a total of 5.4 acre-feet per annum to be collected from November 1 of each year to March 31 of the succeeding year as follows: (1) 0.4 acre-foot per annum in Reservoir 145, (2) 5.0 acre-feet per annum in Reservoir 146.

The maximum rate of diversion to offstream storage under this Permit and Permit 19662A shall not exceed 1.4 cubic feet per second.

6. The amount authorized for appropriation may be reduced in the license if investigation warrants.

7. Complete application of the water to the authorized use shall be made by December 31, 2000.

8. Progress reports shall be submitted promptly by permittee when requested by the State Water Resources Control Board until license is issued.

9. Permittee shall allow representatives of the State Water Resources Control Board and other parties as may be authorized from time to time by said Board, reasonable access to project works to determine compliance with the terms of this permit.

10. Pursuant to California Water Code Sections 100 and 275, and the common law public trust doctrine, all rights and privileges under this permit and under any license issued pursuant thereto, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the State Water Resources Control Board in accordance with law and in the interest of the public welfare to protect public trust uses and to prevent waste, unreasonable use, unreasonable method of use or unreasonable method of diversion of said water.

The continuing authority of the Board may be exercised by imposing specific requirements over and above those contained in this permit with a view to eliminating waste of water and to meeting the reasonable water requirements of permittee without unreasonable draft on the source. Permittee may be required to implement a water conservation plan, features of which may include but not necessarily be limited to: (1) reusing or reclaiming the water allocated; (2) using water reclaimed by another entity instead of all or part of the water allocated; (3) restricting diversions so as to eliminate agricultural tailwater or to reduce return flow; (4) suppressing evaporation losses from water surfaces; (5) Controlling Phreatophytic Growth; and (6) Installing, maintaining, and operating efficient water measuring devices to assure compliance with the quantity limitations of this permit and to determine accurately water use as against reasonable water requirements for the authorized project. No action

will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such specific requirements are physically and financially feasible and are appropriate to the particular situation. The continuing authority of the Board also may be exercised by imposing further limitations on the diversion and use of water by the permittee in order to protect public trust uses. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such action is consistent with California Constitution Article X, Section 2; is consistent with the public interest and is necessary to preserve or restore the uses protected by the public trust.

11. The quantity of water diverted under this permit and under any license issued pursuant thereto is subject to modification by the State Water Resources Control Board if, after notice to the permittee and an opportunity for hearing, the Board finds that such modification is necessary to meet water quality objectives in water quality control plans which have been or hereafter may be established or modified pursuant to Division 7 of the Water Code. No action will be taken pursuant to this paragraph unless the Board finds that
(1) Adequate waste discharge requirements have been prescribed and are in effect with respect to all waste discharges which have any substantial effect upon water quality in the area involved, and (2) the water quality objectives cannot be achieved solely through the control of waste discharges. (0000013)
12. This permit shall not be construed as conferring upon the permittee right of access to the point of diversion at the unnamed stream. (0000022)
13. After the initial filling of the storage reservoirs, permittee' right under this permit extends only to water necessary to keep the reservoirs full by replacing water beneficially used and water lost by evaporation and seepage, and to refill if emptied for necessary maintenance or repair. Such right shall be exercised only during the authorized diversion season. (0000041)

14. Rights under this permit are, and shall be, specifically subject to existing rights determined by the San Gregorio Creek Adjudication, Superior Court, San Mateo County, No. 355792 insofar as said adjudicated rights are maintained. (0000023)

This permit is issued and permittee takes it subject to the following provisions of the Water Code:

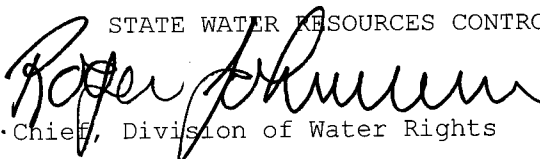
Section 1390. A permit shall be effective for such time as the water actually appropriated under it is used for a useful and beneficial purpose in conformity with this division (of the Water Code), but no longer.

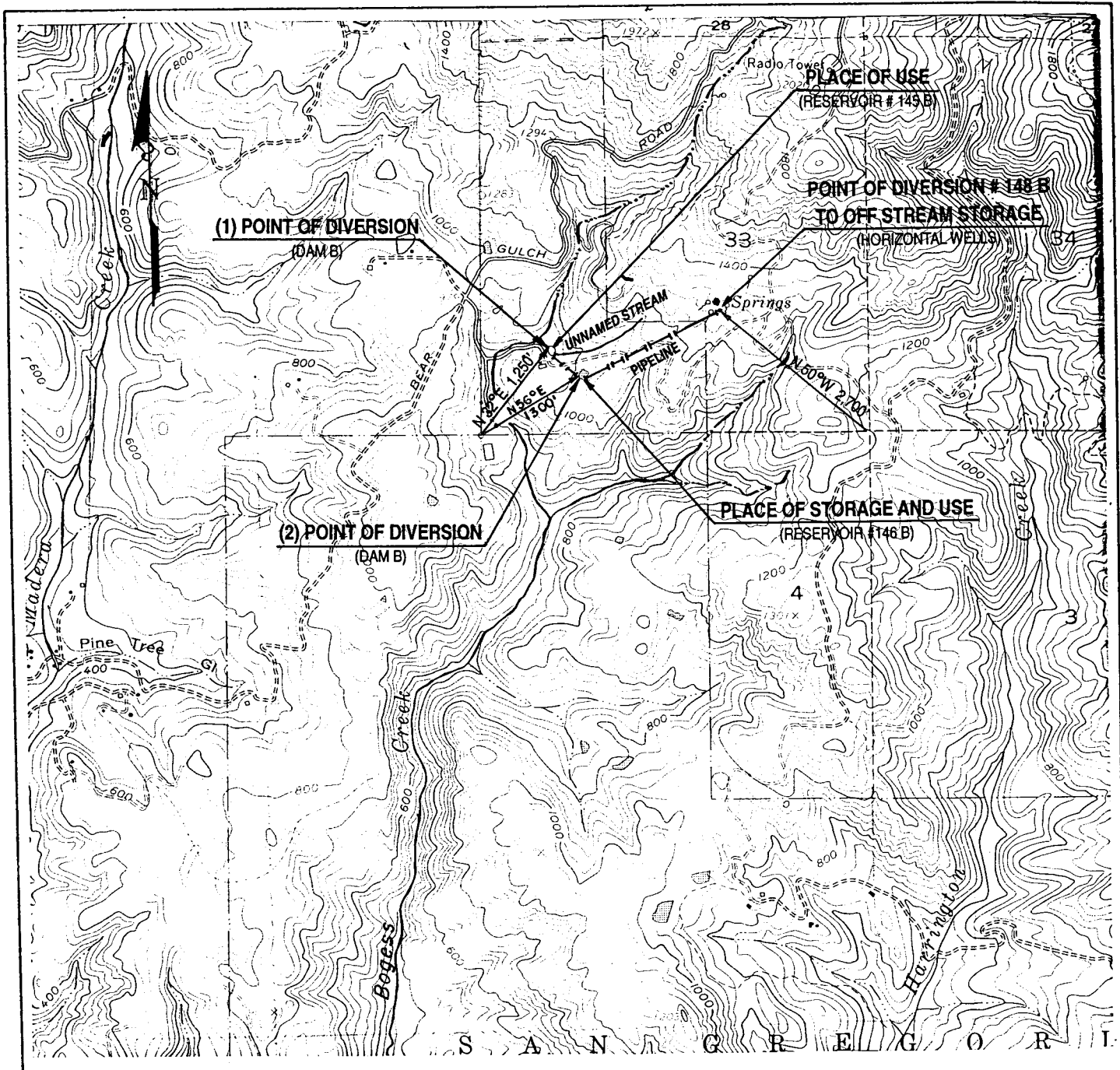
Section 1391. Every permit shall include the enumeration of conditions therein which in substance shall include all of the provisions of this article and the statement that any appropriator of water to whom a permit is issued takes it subject to the conditions therein expressed.

Section 1392. Every permittee, if he accepts a permit, does so under the conditions precedent that no value whatsoever in excess of the actual amount paid to the State therefor shall at any time be assigned to or claimed for any permit granted or issued under the provisions of this division (of the Water Code), or for any rights granted or acquired under the provisions of this division (of the Water Code), in respect to the regulation by any competent public authority of the services or the price of the services to be rendered by any permittee or by the holder of any rights granted or acquired under the provisions of this division (of the Water Code) or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State, of the rights and property of any permittee, or the possessor of any rights granted, issued, or acquired under the provisions of this division (of the Water Code).

Dated: **MARCH 18 1998**

STATE WATER RESOURCES CONTROL BOARD


101 Chief, Division of Water Rights



LICENSEE KURT GILSON AND DEBORAH GILSON

PERMIT NO. 19662B

SOURCE UNNAMED STREAM AND UNNAMED SPRING #148A

APPLICATION NO. 28378B

POINTS OF DIVERSION

WITHIN (1) & (2) SW SW
(3) NW 1/4 SE 1/4 OF PROJECTED

SECTION 33 , T 6S , R 4W , MD B&M

COUNTY OF SAN MATEO

LA HONDA 1978 1:24,000
U.S.G.S. QUAD DATE SCALE

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

LICENSE

DATE: 1/98 DRAWN: A.G. CHECKED: